



OFFICE OF THE MAYOR

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Virg Bernero, Mayor

TO: City Council President A'Lynne Boles and Councilmembers

FROM: Mayor Virg Bernero

DATE: April 7, 2014

RE: Resolution—Introduction of Ordinance—Amending Parks and Recreation Ordinance 608.04—Allowing the Sale of Alcoholic Beverages at Groesbeck Golf Course and Hope Soccer Complex

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

CITY OF LANSING

INTEROFFICE COMMUNICATION

DATE: April 7, 2014

TO: Mayor Virg Bernero

FROM: Brett Kaschinske, Director, Parks and Recreation Department

SUBJECT: Mid-Michigan Sports Turf, LLC a.k.a. Chill SBC Soccer Club

Attached please find a Resolution requesting an amendment to the City of Lansing Codified Ordinances, Chapter 608; Section 4 (e) to establish an outdoor area for the sale and consumption of alcohol at Hope Soccer Complex.

This request is on behalf of Mid-Michigan Sports Turf, LLC a.k.a. Chill SBC Soccer Club who feels this amendment would provide the opportunity to generate revenue at Hope Soccer Complex. The revenue will be beneficial in the up keep and improvements to Hope Soccer Complex.

The Parks and Recreation Department is not opposed to amending Chapter 608, Section 608.04, (e) of the City of Lansing Codified Ordinance at Hope Soccer Complex.

Your consideration on this issue is appreciated. Please do not hesitate to contact me with any questions you may have or for any additional information that may be necessary.

Approval to proceed with amendment change

Mayor Virg Bernero

Cc: Chad Gamble, Chief Operating Officer
Randy Hannan, Deputy Chief of Staff
Janene McIntyre, City Attorney
Chris Swope, City Clerk

INTRODUCTION OF ORDINANCE

The Committee of the Whole introduced:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 608, Section 4, of the Lansing Codified Ordinances by allowing for the sale of alcoholic beverages within Groesbeck Golf Course and Hope Soccer Complex, subject to ordinance requirements.

The Ordinance is referred to the Committee of the Whole

RESOLUTION SETTING PUBLIC HEARING By the Committee of the Whole

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 19, 2014 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering An Ordinance of the City of Lansing, Michigan, to Amend Chapter 608, Section 4, of the Lansing Codified Ordinances by allowing for the sale of alcoholic beverages within Groesbeck Golf Course and Hope Soccer Complex, subject to ordinance requirements.

Interested Persons are invited to attend this Public Hearing

RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY
ORDINANCE DRAFT #1
APRIL 2, 2014

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND
CHAPTER 608, SECTION 4, OF THE LANSING CODIFIED ORDINANCES BY
ALLOWING FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN
GROESBECK GOLF COURSE AND HOPE SOCCER COMPLEX, SUBJECT TO
ORDINANCE REQUIREMENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 608, Section 4, of the Codified Ordinances of the City of
Lansing, Michigan, be and is hereby amended to read as follows:

608.04. Restrictions on sale and consumption on public property.

(a) No person shall:

(1) Sell, consume or possess in an open container alcoholic beverages in the public
streets, public places, parks, alleys, sidewalks, City-owned parking facilities or the
Turner-Dodge House, except as provided in this section; or

(2) Sell, consume or possess in an open container alcoholic beverages in a private
parking lot or facility, including, but not limited to, shopping center parking lots or
parking areas adjacent to commercial establishments which are utilized by patrons of the
commercial establishment, unless such person has in his or her possession, in writing, the
express permission or consent of the owner or lessee, or the lawful agent of the owner or
lessee, of such lot or facility. This paragraph shall not apply to any event sponsored or
authorized in writing by the owner or lessee of such premises.

Approved as to form:

City Attorney
Dated: _____

RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY
ORDINANCE DRAFT #1

APRIL 2, 2014

1 (b) Beer or wine may be sold and/or consumed in City parks, upon approval of the
2 Mayor, if:

3 (1) For sales of beer and wine, a special license for such sale is obtained from the
4 Michigan Liquor Control Commission and if the Mayor approves the license application
5 prior to the issuance of the license. Approval by the Mayor shall be granted only if the
6 license is to be utilized in conjunction with a City-approved cultural, ethnic or
7 community activity open to the public or if the license is to be utilized in conjunction
8 with a City-approved tourist or convention activity; or

9 (2) For consumption only, where no sales occur, approval is granted for the consumption
10 of beer and wine at a City-approved cultural, ethnic or community activity open to the
11 public, or in conjunction with a City-approved tourist or convention activity, provided
12 that with respect to either the sale of beer and wine, or consumption, where no sales
13 occur, the requirements set forth in subsections (g), (h) and (i) hereof are met. Prior
14 Mayoral approval shall not be required for the sale and/or consumption of beer and wine
15 at the Turner-Dodge House, Scott House and Park and Cooley Gardens.

16 (c) Notwithstanding the limitations set forth in subsection (b) hereof, beer or wine may
17 be sold for consumption at Kircher Field or Ranney Field if a special license for such sale
18 is obtained from the Michigan Liquor Control Commission and if the Mayor approves the
19 license application prior to the issuance of the license. Approval of the Mayor shall be
20 granted for the sale and/or consumption of beer and wine at Kircher Field or Ranney
21 Field only in conjunction with City-approved district, State, regional or national adult

Approved as to form:

City Attorney
Dated: _____

RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY

ORDINANCE DRAFT #1

APRIL 2, 2014

1 athletic tournaments and if the requirements set forth in subsections (g), (h), and (i)
2 hereof are met.

3 (d) Notwithstanding the limitations set forth in subsection (b) hereof, beer or wine may
4 be sold for consumption, and may be consumed, within the grounds of the Turner-Dodge
5 House, Scott House and Park, Cooley Gardens, or Fenner Nature Center, provided that all
6 permits required by the Department of Parks and Recreation have been obtained, a
7 special license, if applicable, has been obtained from the Michigan Liquor Control
8 Commission, and the requirements set forth in subsections (g), (h), and (i) hereof are met.

9 Rental fees for the Turner-Dodge House, the Scott House and Park, Cooley Gardens, or
10 Fenner Nature Center shall be set by resolution of Council. Use of the Turner-Dodge
11 House, Scott House and Park, Cooley Gardens, or Fenner Nature Center in conjunction
12 with the sale of beer or wine for consumption shall not be limited to public events, but
13 may also include private events.

14 (e) ~~Beer or wine may be sold for consumption~~ SALE AND CONSUMPTION OF
15 ALCOHOLIC BEVERAGES within the concession area or any other area within the
16 perimeter of the Groesbeck Golf Course AND HOPE SOCCER COMPLEX provided that, if
17 sold, a license for such sale has been obtained from the Michigan Liquor Control
18 Commission, and provided, further, that any such consumption or sale shall be contingent
19 upon approval by the Department of Parks and Recreation and subject to such rules or
20 restriction as the Department may establish.

Approved as to form:

City Attorney

Dated: _____

RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY
ORDINANCE DRAFT #1
APRIL 2, 2014

- 1 (f) Sale and consumption of alcoholic beverages may occur within the concession area or
2 any other area within the City Market or its environs, provided that, if sold, a license for
3 such sale has been obtained from the Michigan Liquor Control Commission and the sale
4 and for consumption occurs within a clearly demarcated area in compliance with the
5 license, and provided, further, that any such sales for consumption shall be contingent
6 upon approval by the Lansing Entertainment and Public Facilities Authority (LEPFA)
7 and subject to such rules or restrictions as LEPFA may establish. Notwithstanding section
8 (i) herein, any such applicant shall file with the City Clerk proof of a personal injury and
9 property damage insurance policy insuring such applicant against any liability imposed
10 on such applicant or the City arising out of the sale or consumption of alcoholic
11 beverages, and naming the City and LEPFA as additional insureds. Such policy shall
12 provide for payment in the event of injury to or death of one person or more than one
13 person, and for the payment for property damage in amounts set by Council resolution on
14 the basis of recommendations by the Finance Department. This requirement may be
15 waived or the amounts of such required insurance reduced by resolution of Council
16 finding that such a reduction or waiver is in the public interest.
- 17 (g) Beer or wine may be sold for consumption within the streets, alleys, sidewalks and
18 public places within the boundaries of the Downtown Mall and environs, as defined in
19 Section 812.01 of the Business Regulation and Taxation Code, provided that the
20 following conditions are satisfied:
- 21 (1) The request has been approved by the Mayor.

Approved as to form:

City Attorney
Dated: _____

RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY
ORDINANCE DRAFT #1

APRIL 2, 2014

1 (2) The individual, group or organization making the application obtains a special license
2 for such sale and consumption from the Michigan Liquor Control Commission.

3 (3) The individual, group or organization has complied with subsections (g), (h), (i) and
4 (j) hereof.

5 (4) Any other conditions which the Mayor may require have been met.

6 (h) The City Clerk shall provide a form on which the applicant shall provide the
7 following information:

8 (1) The name and address of the applicant;

9 (2) The name of the organization, if applicable;

10 (3) The type of event;

11 (4) The date of the application;

12 (5) The date and time of the event planned;

13 (6) The purpose of the event;

14 (7) The estimated number of persons attending;

15 (8) The name of the insurance company, if applicable, from which the necessary public
16 liability policy will be or has been obtained;

17 (9) Proof that the proper rental fee has been paid, if applicable; and

18 (10) The security measures which the applicant proposes to utilize.

Approved as to form:

City Attorney

Dated: _____

RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY
ORDINANCE DRAFT #1

APRIL 2, 2014

1 Upon the applicant's payment of an application fee, as determined by resolution of
2 Council, the City Clerk shall forward the completed application form to the Police
3 Department and to the Department of Parks and Recreation for review.

4 (i) Whenever a special license for the sale and/or consumption of beer or wine in City
5 parks, or within the Downtown Mall and environs or upon the grounds of the Turner-
6 Dodge House, Scott House and Park, Cooley Gardens, or Fenner Nature Center is
7 required, the applicant shall file with the City Clerk proof of a personal injury and
8 property damage insurance policy insuring such applicant against any liability imposed
9 on such applicant or the City arising out of the sale or consumption of beer or wine. Such
10 policy shall provide for payment in the event of injury to or death of one person or more
11 than one person, and for payment for property damage in amounts set by Council
12 resolution on the basis of recommendations by the Finance Department. Such policy shall
13 have a provision to the effect that the insurance company shall notify the City Clerk at
14 least ten days prior to the expiration of such policy. However, this requirement may be
15 waived or the amounts of such required insurance reduced by resolution of Council
16 finding that such a reduction or waiver is in the public interest.

17 (j) The applicant shall be solely responsible for providing adequate security, in the form
18 of adequate personnel and fencing, as determined by the Department of Parks and
19 Recreation. Approval by the Department of the applicant's plan for security shall be
20 obtained prior to any application being approved or any event being scheduled.

Approved as to form:

City Attorney

Dated: _____

RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY
ORDINANCE DRAFT #1
APRIL 2, 2014

1 (k) No person shall sell or dispense beer or wine for consumption in City parks, in any
2 container other than a paper or plastic container. No person shall sell or dispense beer or
3 wine for consumption within the Turner-Dodge House in any container other than a paper
4 or plastic container unless prior written permission has been received from the
5 Department of Parks and Recreation.

6 (l)

7 (1) Notwithstanding any provision set forth in this Section 608.04 to the contrary, beer or
8 wine may be sold for consumption on the premises, and may be consumed, at public or
9 private events or functions within the grounds of the Potter Park Zoo Exploration and
10 Discovery Center and Plaza, provided:

11 a. Dispensing of beer or wine shall be conducted by persons or entities not affiliated with
12 Potter Park Zoo or any of its auxiliary organizations;

13 b. No beer or wine may be sold or dispensed during hours when the Potter Park Zoo is
14 open to the general public;

15 c. For sales of beer or wine for consumption on the premises an appropriate license shall
16 be obtained from the Michigan Liquor Control Commission; furthermore, prior mayoral
17 approval is required, which approval shall only be granted in conjunction with a City-
18 approved cultural, ethnic or community activity open to the public, or in conjunction with
19 a City-approved tourist or convention activity;

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RESTRICTIONS ON SALE AND CONSUMPTION ON PUBLIC PROPERTY
ORDINANCE DRAFT #1

APRIL 2, 2014

1 d. Intoxicating liquors (i.e. distilled rather than fermented alcoholic beverages) may not
2 be sold on the premises.

3 (2) Commencing July 1, 2001, rental fees for the Potter Park Zoo Exploration and
4 Discovery Center and Plaza shall be set by resolution of City Council.

5 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or
6 rules inconsistent with the provisions hereof are hereby repealed.

7 Section 3. Should any section, clause or phrase of this ordinance be declared to
8 be invalid, the same shall not affect the validity of the ordinance as a whole, or any part
9 thereof other than the part so declared to be invalid.

10 Section 4. This ordinance shall take effect on the 30th day after enactment, unless
11 given immediate effect by City Council.

Approved as to form:

City Attorney

Dated: _____